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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/835,439   | 04/17/2001  | Pierre Glaesener     | 13201.00042         | 7938             |
| 27160  | 7590        | 08/25/2004           | EXAMINER            |                  |
| PATENT ADMINISTRATOR<br>KATTEN MUCHIN ZAVIS ROSENMAN<br>525 WEST MONROE STREET<br>SUITE 1600<br>CHICAGO, IL 60661-3693 |             |                      | JOYCE, WILLIAM C    |                  |
|  |             | ART UNIT             |                     | PAPER NUMBER     |
|  |             | 3682                 |                     |                  |
| DATE MAILED: 08/25/2004  |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|------------------------------|------------------------|---------------------|--|
|                              | 09/835,439             | GLAESENER ET AL.    |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | William C. Joyce       | 3682                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1)  Responsive to communication(s) filed on 03 June 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4)  Claim(s) 1-12 is/are pending in the application.  
4a) Of the above claim(s) 2-6 and 12 is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1 and 7-11 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/10/03.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

## **DETAILED ACTION**

This Office Action is in response to the Election filed June 3, 2004 for the above identified patent application.

### ***Election/Restrictions***

1. Claims 2-6 and 12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on June 3, 2004.
  
2. Applicant's election with traverse of Group I, Figure 7, in the reply filed on June 3, 2004 is acknowledged. The traversal is on the ground(s) that a search of the art for one group of claims will include a search of the art for the other groups, and the burden on the Examiner to prosecute all the claims in a single application is less than the burden on the Applicant/public to prosecute/search more than one application/patent. This is not found persuasive because MPEP 808.02 (B), states that the examiner can insist upon restriction when distinct species are classified together but have a separate status in the art. Therefore, referring to the references made of record, examiner submits to the applicant's representative that a bearing having a flexible web portion for redirecting a force is considered to have a separate status in the art with respect to a bearing having a wear pad, a bearing having a series of stepped notches, or a bearing having a

shim for limiting the movement of a resilient portion. The requirement is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by at least one of Howarth (US Patent 1,991,461), Haeberlein (US Patent 2,424,028), Ide (US Patent 4,676,668), Barkley (US Patent 4,637,738) or Schlereth (US Patent 5,176,454).

The prior art to at least one of the above noted prior art references teach a flexible shoe assembly comprising: a body for supporting a load; and a force redirector; said body having a upper surface for slideably engaging a complimentary surface of a supported member, and said force redirector disposed in said body in a plane below said upper surface for redirecting said force from a peripheral edge of said upper surface to a central force area in said body.

With respect to the limitation defining a stop, each of the bearings inherently have a stop surface for preventing it from flexing more than a predetermined amount.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the bearing of Zeidän having a flexible web portion.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Joyce whose telephone number is (703) 305-5114. The examiner can normally be reached on Monday - Thursday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
William C. Joyce